

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: July 29, 2015

TO: Board of County Commissioners

FROM: Mathew Martinez, Development Review Specialist *MM*

VIA: Katherine Miller, County Manager *KM*
Penny Ellis-Green, Growth Management Director
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # V 15-5110 Marta and Dolores Perez Variance

ISSUE:

Marta and Dolores Perez, Applicants, request a variance of Ordinance 1996-10, the Santa Fe County Land Development Code (the Code), as amended by Santa Fe County Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow a Land Division of 2.5 acres into two lots; each lot consisting of 1.25 acres.

The property is located within the Traditional Historic Community of La Cienega at 19 B Las Estrellas, within Section 27, Township 16 North, Range 8 East, (Commission District 3).

Vicinity Map:



Site Location

SUMMARY

On June 18, 2015, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend denial of the Applicant's request. The motion passed by a 4-0 vote (Minutes Attached as Exhibit 1).

The subject lot was created in 1990, by way of Family Transfer and is recognized as a legal lot of record. There is currently a single family residence (1400 sq. ft.) which was permitted in 2005 and two storage buildings on the property. The Applicants are sisters and have owned and lived on the property since December 16, 1994.

The Applicants request a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow a Land Division of 2.5 acres into two lots; each lot consisting of 1.25 acres. The Applicants state they own the subject lot jointly and are requesting a Land Division so that both Applicants will own their own equal share and would no longer have a shared payment on the property.

Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4.2, (Basin Zone), which this property falls under states:

Maximum density in the Basin Zone shall be ten acres per one dwelling unit (10 acres). With proof of 100 year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants the maximum density may be increased to one dwelling unit 2.5 acres. Density adjustments above one dwelling unit per 10 acres must follow requirements outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended, along with all requirements outlined in this ordinance. The maximum density shall not be increased even when community water and sewer systems are provided except where density transfer is used to protect sensitive lands or preserve community assets as described in Section 6.6 and gross density is maintained.

Article II, § 3 (Variances) of the Code states:

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.

This Section goes on to state, "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified."

The owners of the Property Marta Perez and Dolores Perez, acquired the Property by warranty deed recorded in book # 1123 page #167 in the Santa Fe County Clerk's records dated December 16, 1994. (Exhibit 3)

Notice requirements were met as per Article II § 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning on May 21, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on May 21, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners. (Exhibit 4)

This Application was submitted on April 4, 2015

On June 18, 2015, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend denial of the Applicant's request

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.

APPROVAL SOUGHT:

Approval of a Variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow a Land Division of 2.5 acres into two lots; each lot consisting of 1.25 acres.

**GROWTH MANAGEMENT
AREA:**

SDA-2

HYDROLOGIC ZONE:

The property is located within the Traditional Historic Community of La Cienega Basin Hydrologic Zone. Minimum lot size in this area is 10 acres per dwelling unit. Lot size can be reduced to 2.5 acres per dwelling unit with proof of 100 year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants. Currently the lot is restricted to 0.25 acre feet per year.

FIRE PROTECTION:

The property is located in the La Cienega Fire District. The County Fire Marshal has reviewed this request and asserts the Applicant shall provide a 20' access from Las Estrellas to the first entrance to the property. Plans shall be submitted to their office for approval which meet the minimum County standards for the fire apparatus access roads with in this type of proposed development. Access road shall be county approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width

shall be 14' wide for a single residence 20' for multiple residences and an unobstructed vertical clearance of 13'6" (Exhibit 10).

WATER SUPPLY:

Shared Domestic Well (Permit # RG 60253)

LIQUID WASTE:

Conventional Septic System (Permit # SF 950006)

VARIANCES:

Yes

AGENCY REVIEW:

Agency:

Fire Prevention

Recommendation:

Approved with Conditions

STAFF RECOMMENDATION:

Staff's recommendation and the recommendation of the CDRC was to deny the Applicants request for a variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to allow a Land Division of 2.5 acres into two lots; each lot consisting of 1.25 acres.

If the decision of the BCC is to approve the Applicants' request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. A Plat of Survey meeting all Code requirements shall be submitted to the Building and Development Services Department for review and approval (As per Article III § 2.4.2)
3. Future division of either tract is prohibited: this shall be noted on the plat. (As per Article III, § 10).
4. The Applicants shall comply with all Fire Prevention Division requirements at time of Plat Review (As per 1997 Fire Code and NFPA Life Safety Code).

EXHIBITS:

1. June 18 2015 CDRC Minutes
2. Letter of request
3. Warranty Deed
4. Noticing
5. Ordinance No. 2002-9 § 6.4 (Zoning Density)
6. Article II, § 3 (Variances)
7. Site Plan
8. Site Photographs
9. Aerial of Site and Surrounding Area
10. Review Comments

V. APPROVAL OF MINUTES: May 21, 2015

Member Booth moved to approve the May minutes as submitted. Member Lopez seconded and the motion passed by unanimous voice vote.

VI. NEW BUSINESS

- A. CDRC CASE # V 15-5110 Marta and Dolores Perez Variance. Marta and Dolores Perez, Applicants, Request a Variance of Ordinance No. 2002-9 (La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District), Section 6.4 (Zoning Density) to Allow a Land Division of 2.5 Acres into Two Lots; Each Lot Consisting of 1.25 Acres. The Property is Located Within the Traditional Historic Community of La Cienega at 19 B Las Estrellas, Within Section 27, Township 16 North, Range 8 East, (Commission District 3) [Exhibit 1: Letter of Opposition]**

Chair Martin noted there was a translator present. Mathew Martinez read the case caption and gave the staff report as follows:

"Marta and Dolores Perez, applicants, request a variance of Ordinance No. 1996-10, the Santa Fe County Land Development Code as amended by Santa Fe County Ordinance No. 2002-9, La Cienega and La Cieneguilla Traditional Community Planning Area and La Cienega Traditional Community Zoning District, Section 6.4, Zoning Density to allow a land division of 2.5 acres into two lots; each lot consisting of 1.25 acres. The property is located within the Traditional Historic Community of La Cienega at 19 B Las Estrellas, within Section 27, Township 16 North, Range 8 East, Commission District 3.

"The subject lot was created in 1990 by way of family transfer and is recognized as a legal lot of record. There is currently a single-family residence, 1,400 square feet, which was permitted in 2005, and two storage buildings on the property. The applicants are sisters and have owned and lived on the property since December 16, 1994. The applicants request a variance to allow a land division of 2.5 acres into two lots, each lot consisting of 1.25 acres. The applicants state they own the subject lot jointly and are requesting a land division so that both applicants will own their own equal share and would no longer have a shared payment on the property."

Mr. Martinez stated staff was recommending denial of a variance of Ordinance 2009-2, La Cienega and La Cieneguilla Traditional Planning Area, and La Cienega Traditional Community Zoning District, Section 6.4, Zoning Densities, to allow a land division of 2.5 acres into two lots, each lot consisting of 1.2 acres. If the decision of the CDRC is to approve the request staff recommends imposition of five conditions.

The applicants, Marta and Dolores Perez were placed under oath and stated they had nothing to add.



Member Lopez asked if they were in agreement with staff recommendations. They said they were.

Duly sworn, Paul Murray representing the La Cienega Valley Association spoke in opposition. He indicated that the area now has over 400 homes that have not had to meet State or County subdivision requirements. He said this "backdoor development" has been done without regard to traffic, wastewater, water or roads which has affected the area's water resources, including aquifers, springs and acequias. He pointed out the proposed Sustainable Land Development Code will not permit this type of land division in the future.

Member Booth asked if a guesthouse would be permitted under the new SLDC. Mr. Martinez said this is in the residential estate area which would allow only one dwelling per 2.5 acres. Ms. Lucero said an accessory dwelling would be allowed under certain criteria but further division would not be allowed.

Member Booth moved to deny CDRC Case #V 15-5110 and Member Lopez seconded. The motion passed by unanimous [4-0] show of hands vote.

- VI. B. **CDRC CASE # V 15-5120 Cynthia Carter Variance.** Cynthia Carter, Applicant, Requests a Variance of Article III, § 10 (Lot Size Requirements) of Santa Fe County Ordinance 1996-10, the Land Development Code (Code), to Allow Two Dwelling Units on 1.458 Acres. The Property is Located at 17 Cloudstone Drive, Within the Vicinity of Old Santa Fe Trail, Within Section 6, Township 16 North, Range 10 East, (Commission District 4)

John Lovato read the case caption and staff report as follows:

"On September 13, 2007, the Extraterritorial Zoning Commission approved a small lot family transfer land division of a 2.918-acre lot into two equal 1.45-acre lots creating two legal lots of record. The applicant acquired one of the lots in 2013. Currently on the property there is a 1,400 square foot residence which is served by an onsite well and septic system. The applicant requests a variance of Article III, Subsection 10, Lot Size Requirements of the Code to allow two dwelling units on 1.45 acres. The applicant would like to build a 700-square foot guesthouse with a separate septic system on the property. The applicant asserts that she can no longer afford her mortgage and does not want to lose her property. She states that if she is able to build a guest house to live in she can rent the main house.

"In the applicant's letter she addresses that the Sustainable Land Development Code is expected to be implemented within the next few months which would allow for a guesthouse. Further, the applicant requests the variance rather than wait for the rising interest rates. She would like to start building before the start of winter."

Mr. Lovato stated Growth Management staff has reviewed the applicant for compliance with pertinent code requirements and finds the project is not in compliance

Marta Perez

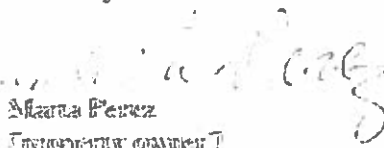
19 B las estrellas • Santa Fe, NM 87507
Phone: 505-690-6816 • E-Mail: jasmine7js@aol.com

Date: April 8, 2015

To Whom It May Concern:

The intent of this letter is to discuss the dividing of my property, 19 B Las Estrellas Santa Fe NM 87507. My sister and I, we would like to formally divide this property because she and I have shared equal parts in payment towards this property, now we would like to have officially our own parts of the property. Thank you for taking your time to review our case and for any other questions I can be reached at anytime.

Sincerely,


Marta Perez
[property owner]



WARRANTY DEED

GEORGE P. BOWKER and MARY LIDA BOWKER, husband and wife as joint tenants 123197

for consideration paid, grant

to MARTA PEREZ, a single womanand DOLORES PEREZ, a single woman, as joint tenants

whose address is

the following described real estate in SANTA FE County, New Mexico

Lot 18 as shown on "Land Division of Lot 1 from Amended Family Transfer Replat and Land Division for Richard Montoya, as recorded in Book 193, page 48 within Section 27, Township 16 North, Range 8 East, N.M.P.M.", which was recorded August 9, 1990 in Plat Book 213, page 8 as Document No. 714,663, records of Santa Fe County, New Mexico.

SUBJECT TO: Reservations, Restrictions and Easements of record.

with warranty covenants

Witness our hand 5 and sealed this 15th day of June, 1994.George P. Bowker Jr. (Seal)

GEORGE P. BOWKER

Mary Lida Bowker (Seal)

MARY LIDA BOWKER

(Seal)

(Seal)

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO)

COUNTY OF)
SANTA FEThis instrument was acknowledged before me on June 15, 1994.George P. Bowker and Mary Lida Bowker, husband and wife as joint tenantsMy commission expires: 8/4/95CAMILLE H. WILSON (Seal) (Seal)
NOTARY PUBLIC

ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO)

COUNTY OF)
_____) SS.

This instrument was acknowledged before me on _____, 19____.

by _____

(TITLE OF CORPORATION) _____
a _____, Secretary or Treasurer of said corporation.

My commission expires: _____

(Seal)

NOTARY PUBLIC

FOR RECORDER'S USE ONLY

COUNTY OF SANTA FE 888,387

STATE OF NEW MEXICO

I hereby certify that this instrument was filed for record on the 16 day of Dec, A.D. 1994 at 2:37 o'clock P.m. and was duly recorded in book 1123 page 187 of the records of Santa Fe County.

Witness my Hand and Seal of Office

Jana G. Amato
County Clerk, Santa Fe County, N.M.

Patsy Montoya (Seal)

EXHIBIT

3.

CERTIFICATION OF POSTING

I herby certify that the public notice posting regarding Land Development

Case # V15-5110 was posted for 21 days on the property beginning

The 21 day of Nov
2015. **

Marta Perez
Signature

*Photo of posting must be provided with certification

****PLEASE NOTE:** Public notice is to be posted on the most visible part of the property. Improper legal notice will result in re-posting for an additional 21 days. It is the applicant's responsibility to ensure that the notice is on the property for the full 21 days.

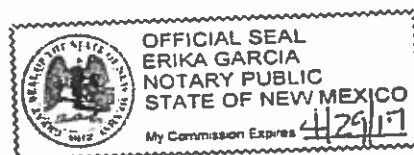
STATE OF NEW MEXICO }
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged before me this 22nd day of
May, 2015, By Marta Perez

Erika Garcia
Notary Public

My Commission Expires:

4/29/17







plan approval where such approval is required, at the time of adoption of this Ordinance, shall comply with this ordinance. This Ordinance and standards may be amended from time to time.

Zoning Density:

6.4.1 Traditional Community Zoning District:

Maximum density is three quarters of an acre per one dwelling unit (.75 acre). Density adjustments must follow requirements as outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended, along with all requirements outlined in this ordinance. The maximum density shall not be increased even when community water and sewer systems are provided except where density transfer is used to protect sensitive lands or preserve community assets as described in Section 6.6 and gross density is maintained. Note: the Traditional Community Zoning District is located within the Traditional Historic Community boundary but the .75 acre zoning density applies only in the Traditional Community Zoning District. See attached map b.), *La Cienega Traditional Community Zoning District*.

6.4.2 Basin Zone:

Maximum density in the Basin Zone shall be ten acres per one dwelling unit (10 acres). With proof of 100 year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants (See Attachment 1), the maximum density may be increased to one dwelling unit per 2.5 acres. Density adjustments above one dwelling unit per 10 acres must follow requirements as outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended, along with all requirements outlined in this ordinance. The maximum density shall not be increased even when community water and sewer systems are provided except where density transfer is used to protect sensitive lands or preserve community assets as described in Section 6.6 and gross density is maintained.

6.4.3 Basin Fringe Zone:

Maximum density in the Basin Fringe Zone shall be fifty acres per one dwelling unit (50 acres). With proof of 100 year water supply through a geohydrologic reconnaissance report, and application of water use covenants (See Attachment 1), the maximum density may be increased to one dwelling unit per 12.5 acres. If an adequate 100 year supply of water, and no impairment to neighboring wells, is proven by an on-site geohydrological well test, land may be further divided to a maximum of 2.5 acres per dwelling unit. Density adjustments above one dwelling unit per 50 acres must follow requirements as outlined in Article III, Section 10 and Article VII, Section 6 of the Code, as amended, along with all requirements outlined in this ordinance. The maximum density shall not be increased even when community water and sewer systems are provided except where density transfer is used to protect sensitive lands or preserve community assets as described in Section 6.6 and gross density is maintained.

6.4.4 Homestead Zone:

Maximum density in the Homestead Zone shall be one hundred and sixty acres per one dwelling unit (160 acres). With proof of 100 year water supply through a geohydrologic reconnaissance report, and application of water use covenants (See Attachment 1), the maximum density may be increased to one dwelling unit per 40 acres. If an adequate 100 year supply of water, and no impairment to neighboring wells, is proven by an on-site geohydrological well test, land may be further divided to a minimum of 2.5 acres per



2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

SECTION 3 - VARIANCES**3.1 Proposed Development**

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

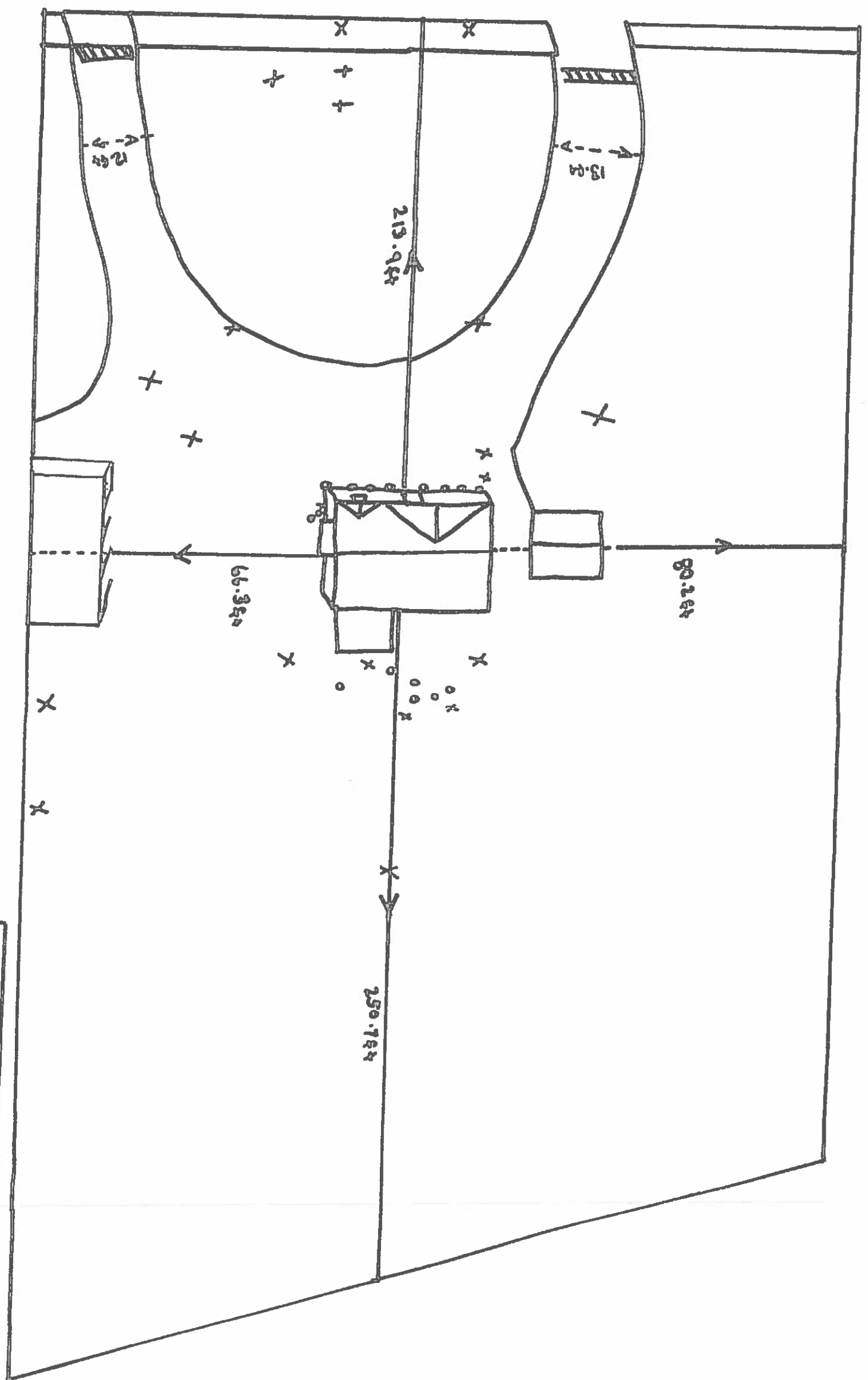
3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

All height variance requests for land located within approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the





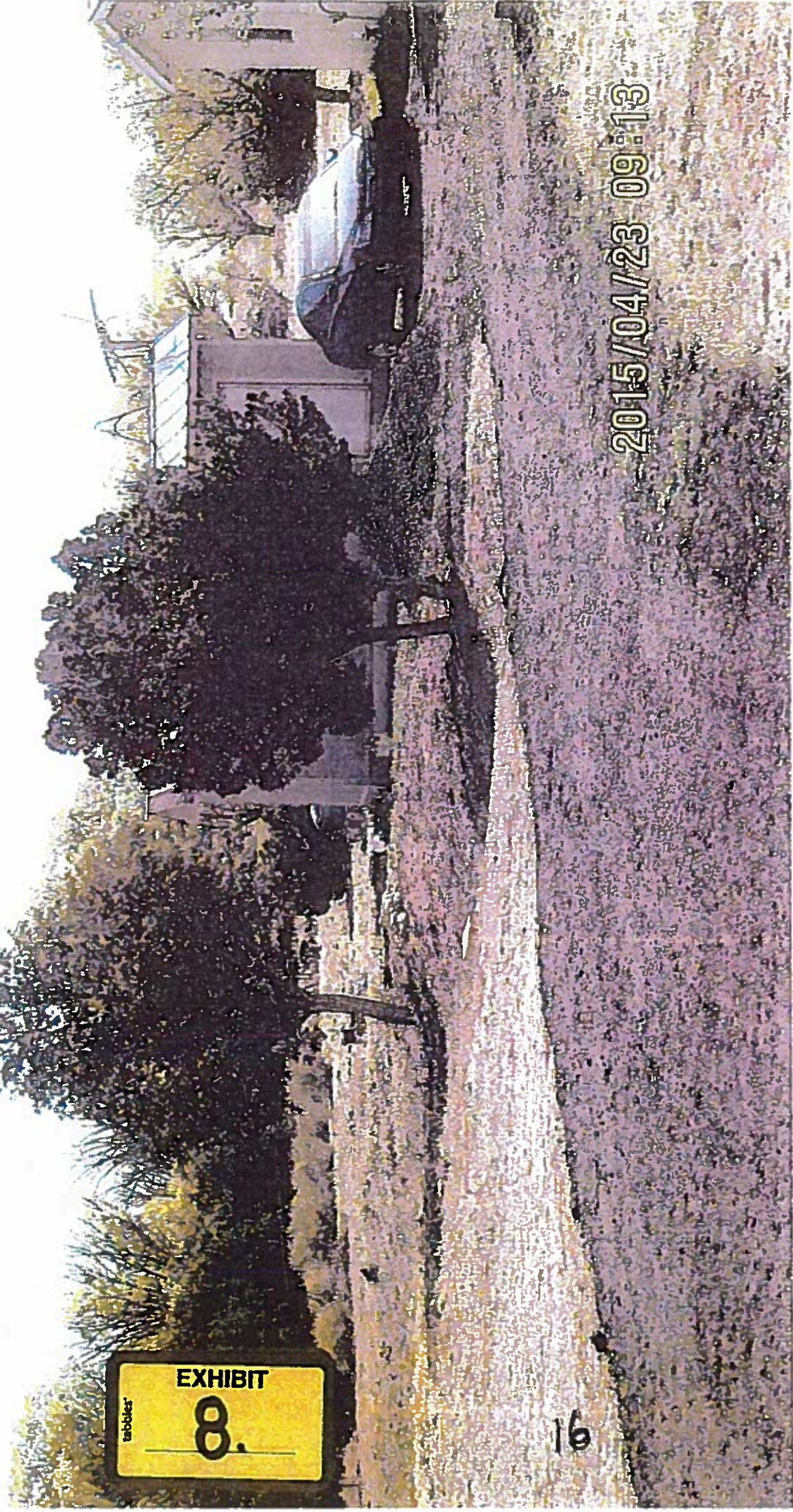
X - trees
O - flower beds

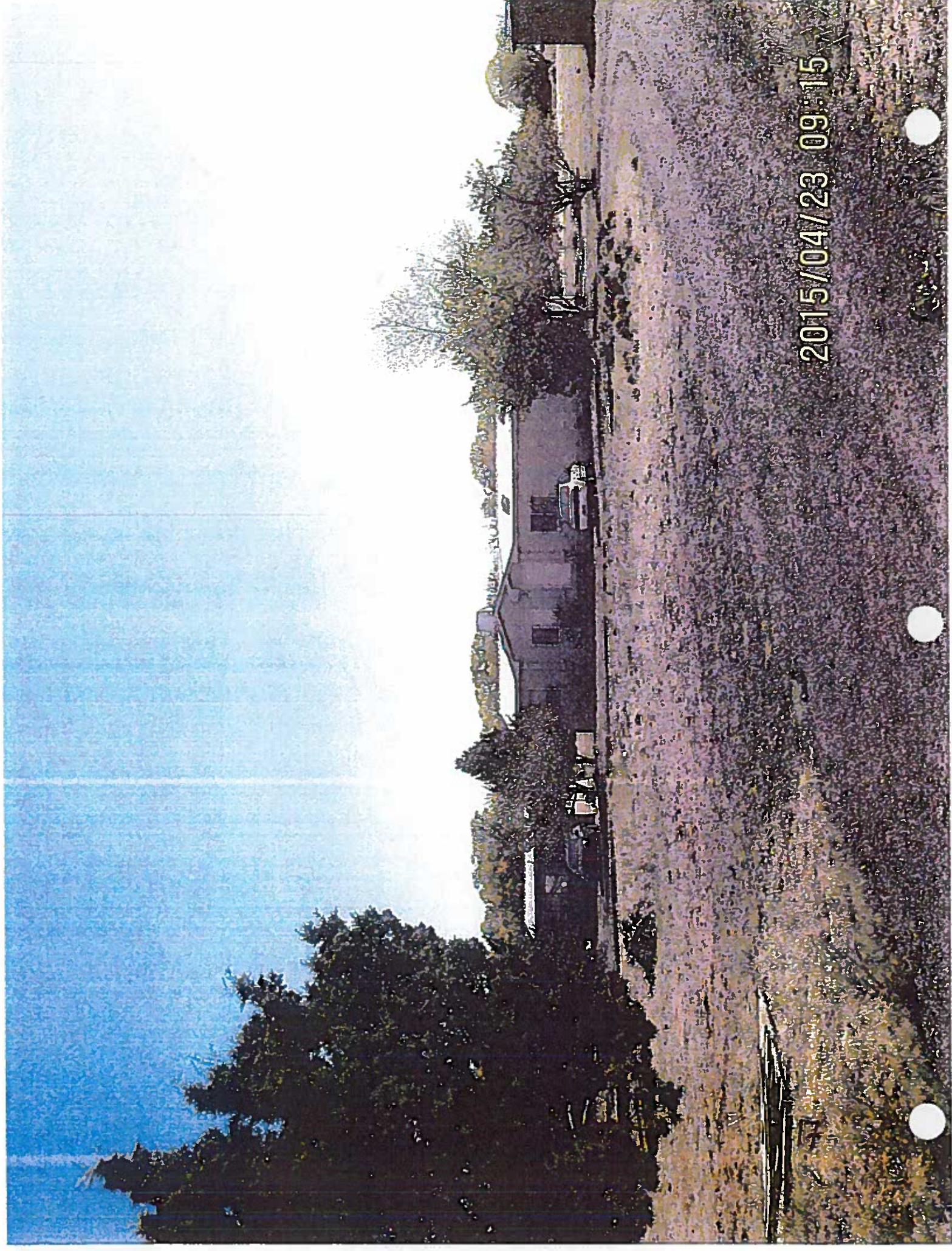
11

EXHIBIT
8.

2015/04/23 09:13

16



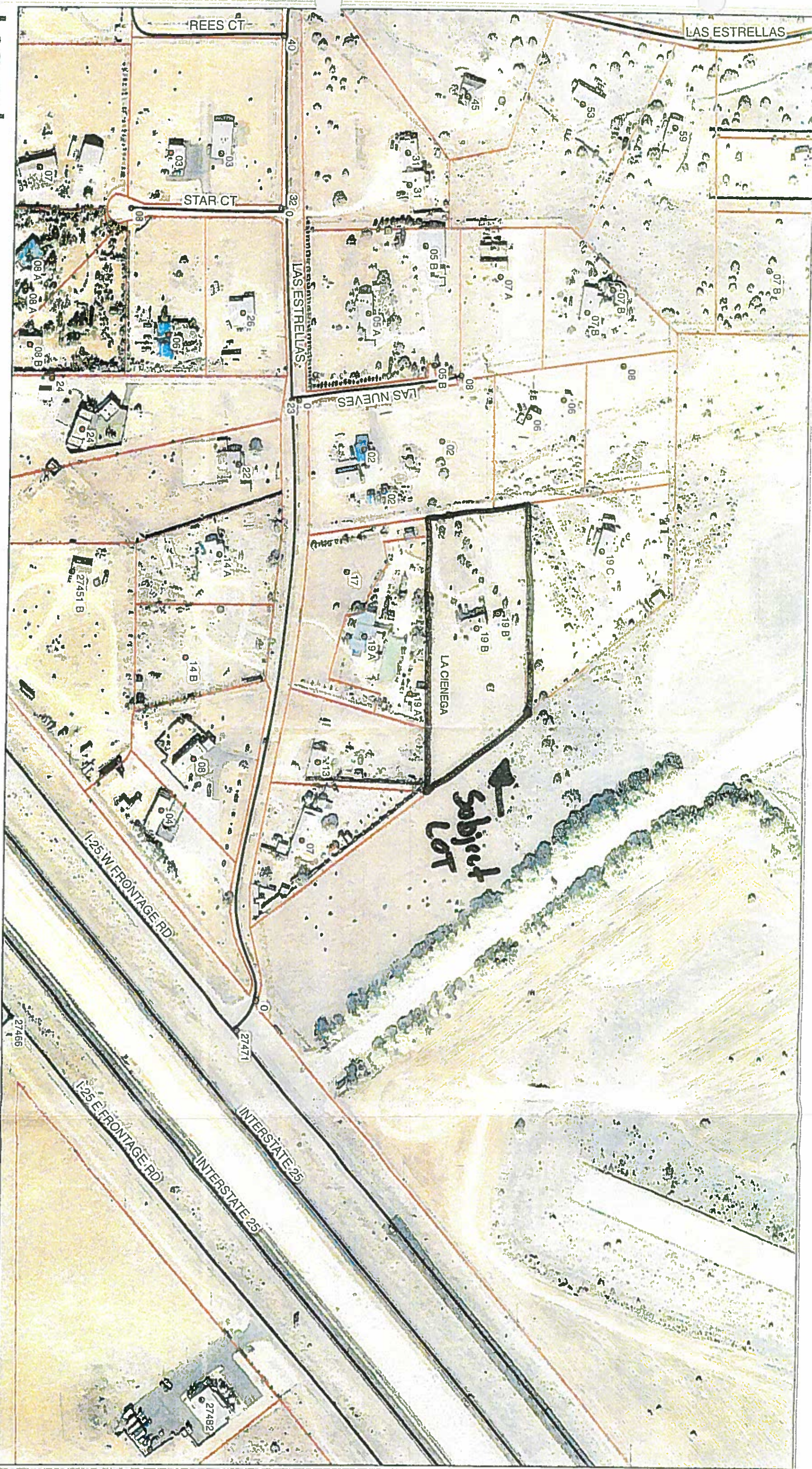


2015/04/23 09:15



2015/04/23 09:15

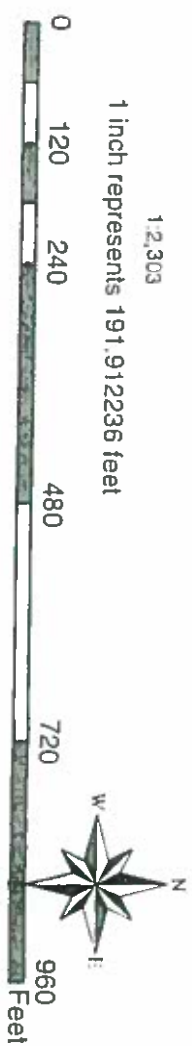




Legend

- ROADS
- PARCELS

EXHIBIT
9.



1 inch represents 191.912236 feet

2008 Imagery
2 FOOT CONTOURS

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
User are solely responsible for
confirming data accuracy.

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefaniec
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review

Date	04-29-2015		
Project Name	Marta & Dolores Perez		
Project Location	19B Las Estrellas, Santa Fe, New Mexico 87507		
Description	Minimum Lot Size Variance	Case Manager	M. Martinez
Applicant Name	Marta & Dolores Perez	County Case #	V15-5110
Applicant Address	19B Las Estrellas Santa Fe, New Mexico 87507	Fire District	La Cienega
Applicant Phone	505-690-8646		
Review Type	Commercial <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Sprinklers <input type="checkbox"/> Hydrant Acceptance <input type="checkbox"/> Master Plan <input type="checkbox"/> Preliminary <input type="checkbox"/> Final <input type="checkbox"/> Inspection <input checked="" type="checkbox"/> Lot Split <input checked="" type="checkbox"/> Wildland <input checked="" type="checkbox"/> Variance <input checked="" type="checkbox"/>		
Project Status	Approved <input type="checkbox"/> Approved with Conditions <input checked="" type="checkbox"/> Denial <input type="checkbox"/>		

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated: See underlined area.

Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

• Fire Access Lanes

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

▪ Roadways/Driveways

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

There shall be a 14' wide driveway to each residence or a shared 20' wide driveway to each lot location then a 14' wide driveway to residence. Plans shall be submitted to this office for approval that meets the



minimum County standards for fire apparatus access roads within this type of proposed development. Driveway shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width shall be 14' wide for a single residence 20' for multiple residences and an unobstructed vertical clearance of 13'6".

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) *Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.*

Section 901.4.5 Street or Road Signs. (1997 UFC) *When required by the Chief, streets and roads shall be identified with approved signs.*

All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing. Said signs shall remain in place in visible and viable working order for the duration of the project to facilitate emergency response for the construction phase and beyond.

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) *The gradient for a fire apparatus access road shall not exceed the maximum approved.*

There are no slopes greater than 11%.

- **Restricted Access/Gates/Security Systems**

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

Fire Protection Systems

- **Automatic Fire Protection/Suppression**

This office highly recommends the installation of an automatic fire suppression system as per 1997 Uniform Fire Code, Article 10 Section 1003.2.1 and the Building Code as adopted by the State of New Mexico and/or County of Santa Fe. Required automatic fire suppression systems shall be in accordance with NFPA 13 and 13D Standard for automatic fire suppression systems. It is recommended that the homeowner contact their insurance carrier to find their minimum requirements.

- **Fire Alarm/Notification Systems**

Automatic Fire Protection Alarm systems are highly recommended per 1997 Uniform Fire and Building Codes as adopted by the State of New Mexico and/or the County of Santa Fe. Required Fire Alarm

systems shall be in accordance with NFPA 72, National Fire Alarm Code for given type of structure and/or occupancy use. Said requirements will be applied as necessary as more project information becomes available to this office during the following approval process.

▪ Fire Extinguishers

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

Portable fire extinguishers are highly recommended to be installed in occupancies and locations as set forth in the 1997 Uniform Fire Code. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

▪ Life Safety

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

Urban-Wildland Interface

SFC Ordinance 2001-11, Urban Wildland Interface Code

This development's location is rated within a "Moderate Wildland-Urban Hazard Area" and shall comply with all applicable regulations within the SFC Ordinance 2001-11 / EZA 2001-04 as applicable for the Urban Wildland Interface Code governing such areas.

Building Materials

Buildings and structures located within urban wildland interface areas, not including accessory structures, shall be constructed in accordance with the Fire Code, the Building Code and the Urban Wildland Interface Code.

Location/Addressing/Access

Per SFC 2001-11/EZA 2001-04, addressing shall comply with Santa Fe County Rural addressing requirements.

Per SFC 2001-11 / EZA 2001-04 Chapter 4, Section 3.2 Roads and Driveways; *Access roads, driveways, driveway turnarounds and driveway turnouts shall be in accordance with provisions of the Fire Code and the Land Development Code.* Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development.

General Requirements/Comments

Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

Permits

As required

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Renee Nix, Inspector

Renee Nix
Code Enforcement Official

4-29-15
Date

Through: Chief David Sperling

File: DEV/MartaDoloresPerez/042915/LC

Cy: Buster Patty, Fire Marshal
Land Use
Applicant
District Chief La Cienega
File

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: July 29, 2015

TO: Board of County Commissioners

FROM: John Lovato, Development Review Specialist Senior *VL for*

VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # V 15-5120 Cynthia Carter Variance

ISSUE:

Cynthia Carter, Applicant, requests a variance of Article III, § 10 (Lot Size Requirements) of Santa Fe County Ordinance No. 1996-10, the Land Development Code (the Code), to allow two dwelling units on 1.458 acres.

The property is located at 17 Cloudstone Drive, within the vicinity of Old Santa Fe Trail, within Section 6, Township 16 North, Range 10 East, (Commission District 4).

Vicinity Map:



SUMMARY:

On June 18, 2015, the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the requested variance with a 3-1 voice vote. (Minutes attached as Exhibit 1)

On September 13, 2007, the Extraterritorial Zoning Commission approved a Small Lot Family Transfer Land Division of a 2.918 acre lot into two equal 1.458 acre lots, creating two legal lots of record. The Applicant acquired one of the lots in 2013. Currently, on the property there is a 1,400 square foot residence, which is served by an onsite well and septic system.

The Applicant requests a variance of Article III, § 10 (Lot Size Requirements) of the Code, to allow two dwelling units on 1.458 acres. The Applicant would like to build a 700 square foot guesthouse with a separate septic system on the property. The Applicant asserts that she can no longer afford her mortgage and does not want to lose her property. She states that if she is able to build a guesthouse to live in she can rent out the main house. In the Applicant's letter she addresses that the Sustainable Land Development Code is expected to be implemented within the next few months, which would allow for a guesthouse. Therefore, the Applicant requests the variance, rather than waiting, due to the rising interest rates. She would like to start building before the start of winter.

The Applicant acquired the Property by warranty deed recorded in Instrument # 1693868 in the Santa Fe County Clerk's records dated January 16, 2013. (Exhibit 3)

Notice requirements were met as per Article II § 2.4.2, of the Land Development Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty one days on the property, beginning on May 26, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on May 21, 2015, as evidence by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners. (Exhibit 4)

Article III, § 10 of the Code indicates that the minimum lot size for the Mountain Hydrologic Zone is 80 acres per dwelling unit. Lot size can be reduced to 20 acres per dwelling unit with signed and recorded water restrictions. At the time of the Small Lot Family Transfer, the Extraterritorial Zoning Ordinance was in effect and this lot was part of the Santa Fe Urban Area which allowed for 2.5 acre lots. Small Lot Family Transfers are allowed to go one half of the minimum lot size requirements. The smaller surrounding lots are legal non-conforming lots.

Article II, § 3 (Variances) of the Code states:

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may submit a written request for a variance.

This Section goes on to state, "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified."

This Application was submitted on April 10, 2015.

On June 18, 2015, the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the requested variance with a 3-1 vote. (Minutes attached as Exhibit 1)

Growth Management staff has reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request.

APPROVAL SOUGHT: Approval of a variance of Article III, §10 (Lot Size Requirements) of the Code to allow two dwelling units on 1.458 acres.

GROWTH MANAGEMENT AREA: El Centro, SDA-2

HYDROLOGIC ZONE: Mountain Hydrologic Zone. The Minimum lot size per the Code is 80 acres per dwelling unit. Lot size can be reduced to 20 acres per dwelling unit with signed and recorded water restrictions. The proposed additional dwelling unit exceeds the number of dwelling units allowed on the subject property.

FIRE PROTECTION: Hondo Fire District.

WATER SUPPLY: Shared Domestic Well

LIQUID WASTE: 2 Separate Conventional Septic Systems.

VARIANCES: The proposed additional dwelling unit exceeds the number of dwelling units allowed on the subject property. Therefore, the Applicants request a variance of Article III, §10 (Lot Size Requirements) of the Code to allow two dwelling units on 1.458 acres.

AGENCY REVIEW:

Agency
Fire Prevention

Recommendation
Approval

STAFF RECOMMENDATION:

Staff recommended and the decision of the CDRC was to recommend denial of the request for a variance of Article III, §10 (Lot Size Requirements) of the Code. If the decision of the BCC is to approve the variance request, Staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per home. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling. (As per Article II, § 2).
3. The Applicant shall provide an updated liquid waste permit for the additional dwelling unit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv)).
4. The placement of additional dwelling units or division of land is prohibited on the property. (As per Article III, § 10).
5. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

EXHIBITS:

1. June 18, 2015, CDRC Minutes
2. Letter of Request
3. Warranty deed
4. Notice Requirement
5. Article III, §10 (Lot Size Requirements)
6. Article II, § 3 (Variances)
7. Site Photographs
8. Site Plan
9. Aerial of site and surrounding area
10. Fire Prevention Memo

~~Member Lopez asked if they were in agreement with staff recommendations. They said they were.~~

Duly sworn, Paul Murray representing the La Cienega Valley Association spoke in opposition. He indicated that the area now has over 400 homes that have not had to meet State or County subdivision requirements. He said this “backdoor development” has been done without regard to traffic, wastewater, water or roads which has affected the area’s water resources, including aquifers, springs and acequias. He pointed out the proposed Sustainable Land Development Code will not permit this type of land division in the future.

Member Booth asked if a guesthouse would be permitted under the new SLDC. Mr. Martinez said this is in the residential estate area which would allow only one dwelling per 2.5 acres. Ms. Lucero said an accessory dwelling would be allowed under certain criteria but further division would not be allowed.

Member Booth moved to deny CDRC Case #V 15-5110 and Member Lopez seconded. The motion passed by unanimous [4-0] show of hands vote.

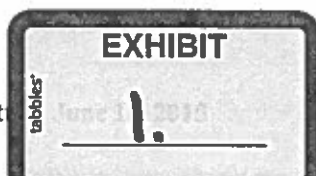
VI. B. CDRC CASE # V 15-5120 Cynthia Carter Variance. Cynthia Carter, Applicant, Requests a Variance of Article III, § 10 (Lot Size Requirements) of Santa Fe County Ordinance 1996-10, the Land Development Code (Code), to Allow Two Dwelling Units on 1.458 Acres. The Property is Located at 17 Cloudstone Drive, Within the Vicinity of Old Santa Fe Trail, Within Section 6, Township 16 North, Range 10 East, (Commission District 4)

John Lovato read the case caption and staff report as follows:

“On September 13, 2007, the Extraterritorial Zoning Commission approved a small lot family transfer land division of a 2.918-acre lot into two equal 1.45-acre lots creating two legal lots of record. The applicant acquired one of the lots in 2013. Currently on the property there is a 1,400 square foot residence which is served by an onsite well and septic system. The applicant requests a variance of Article III, Subsection 10, Lot Size Requirements of the Code to allow two dwelling units on 1.45 acres. The applicant would like to build a 700-square foot guesthouse with a separate septic system on the property. The applicant asserts that she can no longer afford her mortgage and does not want to lose her property. She states that if she is able to build a guest house to live in she can rent the main house.

"In the applicant's letter she addresses that the Sustainable Land Development Code is expected to be implemented within the next few months which would allow for a guesthouse. Further, the applicant requests the variance rather than wait for the rising interest rates. She would like to start building before the start of winter."

Mr. Lovato stated Growth Management staff has reviewed the applicant for compliance with pertinent code requirements and finds the project is not in compliance



with County criteria for this type of request and recommends denial of a variance of Article III, Subsection 10, Lot Size Requirements, of the code. If the decision of the CDRC is to recommend approval of the variance request staff recommends imposition of five conditions.

Duly sworn, Cynthia Carter stated she understood the code would be changing and she wanted to get a variance before interest rates go up on a mortgage. She indicated she was a person of integrity and cares about the environment. She is careful of water usage and does not feel another dwelling would impact water in the area since she uses catchment. Her plan is to rent out the main house and build and live in the guesthouse.

There was no one from the public wishing to speak.

Chair Martin asked if this project met the criteria for a guesthouse and Mr. Lovato said it did.

Member Booth asked if a septic variance would be required. Mr. Lovato said this is in conformance with that type of request. Ms. Lucero said the SLDC would allow for an accessory unit provided it meets the criteria set forth. However, a separate septic system does not meet the criteria and several other criteria have not been evaluated under the SLDC.

Member Booth moved to deny CDRC Case #V 15-5120. Member Lopez seconded and the motion carried by majority 3-1 vote with Member Gray casting the vote against denial.

VI. C. CDRC Case #V 09-5471, Aces Towing Final Development Plan Amendment. WITHDRAWN

VI. D. PETITIONS FROM THE FLOOR

None were offered.

VI. E. COMMUNICATIONS FROM THE COMMITTEE

None were presented.

VI. F. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

VI. G. MATTERS FROM LAND USE STAFF

An update on the disposition of CDRC cases by the BCC was distributed.

March 31, 2015

Dear County of Santa Fe,

I wish to apply for a variance so I may build a 700 square foot guesthouse at 17 Cloudstone Drive that will utilize a separate septic system from the existing main house.

The reason I want to build the guesthouse is because I can no longer afford my mortgage payments because my income has drastically changed. It is my hope that I can build a small accessory dwelling that I will live in and rent out the principal residence in order to offset the mortgage payment. I love my home, have been here for only two years and want to do whatever I can to avoid having to sell...it is my beloved sanctuary.

I understand there is a new County Sustainable Land Development Code that is expected to be implemented in September of 2015 that will allow for an additional dwelling unit on the property. I also understand the new code will not allow a separate septic system be installed from the main house.

I wish to propose the following variance:

1. Allow development in Spring 2015 of a 700 sq ft guesthouse that follows the following rules enforced in the new development code: 10.4.1, 10.4.2, 10.4.2.1, 10.4.2.2, 10.4.2.3.

Reason for the guesthouse variance

- Begin development in advance of the implementation of the new County Sustainable Land Development Code to allow the amount of time necessary to enclose the structure before winter 2016 and satisfy completion deadline requirements of one year
2. Allow for the installation of a separate septic system from the principal residence which will serve the guesthouse (ref 10.4.2.4)

Reasons for the septic variance

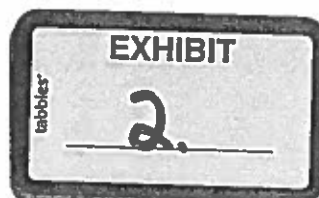
- The new guesthouse will be located downhill from the main house, and will require a holding tank and sump pump to tie into the main house septic tank, which may be problematic in the event of a power outage or pump failure
- There is not enough land available in the immediate area surrounding the current main house septic system to expand the leach field by the amount required when adding a guesthouse to the system

Many thanks for your consideration.

Sincerely,


Cynthia Carter

17 Cloudstone Drive
Santa Fe NM 87505
505-995-9899
505-670-5838



Prepared By and Return To:

Fidelity National Title of New Mexico, Inc.
300 Paseo De Peralta, Suite 191
Santa Fe, NM 87501

GF# FT000121871-NM21

COUNTY OF SANTA FE } STATE OF NEW MEXICO } ss	WARRANTY DEED PAGES: 1
I Hereby Certify That This Instrument Was Filed for Record On The 16TH Day Of January, A.D., 2013 at 03:39:09 PM And Was Duly Recorded as Instrument # 1693865 Of The Records Of Santa Fe County	
Deputy - FISCHER	Witness My Hand And Seal Of Office Gerakine Salazar County Clerk, Santa Fe, NM

WARRANTY DEED



Johanna Smith, an unmarried woman

for consideration paid, grant to

Cynthia Carter, an unmarried woman

whose address is 551 W Cordova Rd #424, Santa Fe, NM 87505 the following described real estate in
Santa Fe County, New Mexico:

Tract A-1-B, as shown on plat entitled "Family Transfer Land Division Survey Plat prepared for Eugene
A. Romero..." filed in the office of the County Clerk, Santa Fe County, New Mexico, recorded December
11, 2007 in Plat Book 671, Page 012, as Document No. 1509101.

with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2013,
and subsequent years.

Witness my hand and seal this

9th day of January 2013

Johanna Smith

STATE OF

COUNTY OF

This instrument was acknowledged before me

Amanda J. Cheney

by Johanna Smith

on January 9th 2013

Amanda J. Cheney
Notary Public

My Commission Expires:

(SEAL)

AMANDA J. CHENEY
Notary Public - New Hampshire
My Commission Expires August 8, 2017



u - Recorded 1693865 01/16/13 SFC

SANTA FE NEW MEXICAN

202 E. Marcy
PO Box 2048
Santa Fe, NM 87504
Phone: 505-983-3303
FAX: 505-984-1785

Ad Proof/ Order Confirmation/ Invoice

CARTER,CYNTHIA
1000 CORDOVA PL #424
SANTA FE NM 87505

505-995-9899

Account Number 22244

Order Number 0000123706

Ordered By Cynthia

Ad Cost \$85.60 Sales Rep mmiera

Tax Amount \$7.01 Order Taken by: mmiera

Total Amount \$92.61 Payment \$92.61

Amount Due \$0.00 Credit Card - MC:7718

umber

Ad Number 0000123706-01

Product Santa Fe New Mexican-SFNM Daily

Placement Legals - Legal Notices

Classification Legal Notices-Legals Classifi

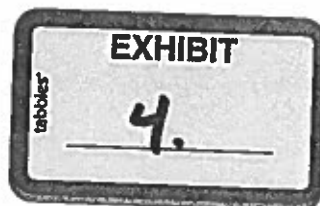
Ad Type Legal

Ad Size : 1.0 X 108 Li

Color <NONE>

Run Dates

5/28/2015



Account Number

22244

Ad Order Number

0000123706

CARTER, CYNTHIA

LEGAL # 98517

CDRC CASE # V 15-5120

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held to consider a request by Cynthia Carter, for a variance of Article III, 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 1.458 acres. The property is located at 17 Cloudstone Drive, within The Vicinity of Old Santa Fe Trail, within Section 6, Township 16 North, Range 10 East, (Commission district 4).

A public hearing will be held in the County Commission Chambers of the Santa Fe County courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 18th day of June 2015, at 4 p.m. on a petition to the County Development Review Committee, and on the 11th day of August 2015, at 5 p.m. on a petition to the board of County Commissioners.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action. All comments, questions and objections to the proposal may be submitted to the County Land Use administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

Published in The Santa Fe New Mexican on May 28, 2015



7014 3490 0001 8180 7117
7014 3490 0001 8180 7100

CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

SANTA FE, NM 87505

Postage	\$ 0.49	0501
Certified Fee	\$ 3.30	10
Return Receipt Fee (Endorsement Required)	\$ 2.70	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 6.49	

Sent To: Roxanne & Andy Connor
Street & Apt. No., or PO Box No. 23 Cloudstone Dr
City, State, ZIP+4 Santa Fe NM 87505

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

COLLEYVILLE, TX 76034

Postage	\$ 0.49	0501
Certified Fee	\$ 3.30	10
Return Receipt Fee (Endorsement Required)	\$ 2.70	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 6.49	

Sent To: Robin Rosen & David Cruze
Street & Apt. No., or PO Box No. 3100 Scarborough Lane W
City, State, ZIP+4 Colleyville TX 76034

PS Form 3800, July 2014 See Reverse for Instructions

CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

TAOS, NM 87571

Postage	\$ 0.49	0501
Certified Fee	\$ 3.30	10
Return Receipt Fee (Endorsement Required)	\$ 2.70	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 6.49	

Sent To: Mary Marcia & William H Burden
Street & Apt. No., or PO Box No. 403 Theodora St
City, State, ZIP+4 Taos NM 87571

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

STONE MOUNTAIN, GA 30087

Postage	\$ 0.49	0501
Certified Fee	\$ 3.30	10
Return Receipt Fee (Endorsement Required)	\$ 2.70	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 6.49	

Sent To: Guy Peterson
Street & Apt. No., or PO Box No. 1175 Falkirk Ln
City, State, ZIP+4 Atlanta GA 30087

PS Form 3800, July 2014 See Reverse for Instructions

TYPE OF USE	NUMBER OF PARKING SPACES
Retail Centers	1 per 1 employee plus per 200 sq. ft.
Restaurants, Bars	1 per 1 employee plus per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	1 per employee plus 1 per 500 sq. ft.
Small Scale Centers, Home Occupations	1 per 1 employee plus 1 per 400 sq. ft. of commercial space.
Large Scale Residential, Institutional, Residential Resorts	2 per dwelling unit
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	As determined by the County

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
- 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
- 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History. 1980 Comp. 1980-6. Section 9. Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

SECTION 10 - LOT SIZE REQUIREMENTS

10.1 Relationship of Lot Sizes to Water Policies

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and protect water resources for existing County residents having domestic wells. Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 75-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.

EXHIBIT

5.

III - 88

10.1.1 Water Policies Governing Lot Sizes Where the Development will Utilize Permitted Water Rights

Applicants seeking a development permit may base their application on water rights authorized and permitted by the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico, (with the exception of water rights permitted under Section 75-11-1 NMSA 1953 or 75-12-1 NMSA 1978). The applicant shall provide evidence that he/she owns or has an option to purchase the permitted water rights in an amount adequate to meet the needs of the development as shown by Article VII, Section 6.6.2, Water Budgets and Conservation Covenants. Any development permit approved and issued by the County shall be expressly conditioned upon the applicant obtaining final non appealable order or final non appealable approval from the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico authorizing the change in use and change in point of diversion to meet the needs of the proposed development. The minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted as provided by Sections 10.4, 10.5.2 and 10.5.3.

10.1.2 Water Policies Governing Lot Sizes Where Developments Will Not Utilize Permitted Water Rights

BASIN ZONE: Minimum lot size shall be calculated based upon ground water storage only. Water that is in storage beneath the lot in the Basin Zone may be depleted over a 100-year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water without consideration of recharge of the ground water.

BASIN FRINGE ZONE: Same as Basin Zone.

HOMESTEAD ZONE: Minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 100 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 100 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead Zone minimum lot sizes based on storage in this zone would be larger than those based on recharge.

MOUNTAIN ZONE: Same as Homestead Zone.

METROPOLITAN AREAS-BASIN AND BASIN FRINGE: For Basin and Basin Fringe zones within a Metropolitan Area as shown on Code Maps 12, 14 and 15, it is anticipated that regional water systems will eventually be developed. Therefore, water that is in storage beneath a lot within a Metropolitan Area may be depleted over a 40 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 40 year supply of water without consideration of recharge of the ground water.

METROPOLITAN AREAS-HOMESTEAD AND MOUNTAIN ZONE: For Homestead and Mountain Zones within a Metropolitan Area, the minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not

both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 40 year lifetime. The lot must be large enough to have a ground water in storage beneath the lot for a 40 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 40 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead and Mountain Zones, minimum lot sizes based on storage in these zones would be larger than those based on recharge.

10.2 Calculation of Minimum Lot Size

Calculation of the minimum lot size under Section 10.1.2 shall be determined by the formula:

$$\frac{\text{Acre Feet}}{\text{Use (Year) x acres}}$$

Minimum Lot Size (Acres)=Water Available in acre feet per acre/year

$$\text{MLS} = \frac{U \times \text{acres}}{A}$$

Where:

MLS is the minimum lot size in acres; it is the size of a lot needed to supply anticipated water needs.

U is the anticipated water needs for the lot; it is the use of water which will occur from the intended development of the lot, measured in acre-feet per year. The standard values listed for A were derived using the procedures set forth in the water appendix of the Code. The standard value for U is set forth in Section 10.2.2. A is the amount of water available in the aquifers which are beneath the lot, measured in acre-feet per acre per year using recharge or storage as described in 10.1.2.

10.2.1 Standard Values for A and Adjustments. The standard values for A shall be as follows:

<u>BASIN ZONE:</u>	0.1 acre-feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.02 acre-feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre-feet per acre per year
<u>HOMESTEAD ZONE:</u>	.00625 acre-feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>BASIN ZONE:</u>	10 acres
<u>BASIN FRINGE ZONE:</u>	50 acres
<u>MOUNTAIN ZONE:</u>	80 acres
<u>HOMESTEAD ZONE:</u>	160 acres

The standard values of A may be adjusted if the applicant submits a hydrology report, either a detailed report (see Section 6.4 of Article VII), or a reconnaissance report (see Section 6.7 of Article VII). Values of A determined in such reports shall be reviewed by the County Hydrologist, who shall recommend to the Code Administrator whether or not

the value is reasonable, and if not, shall recommend a value appropriate for the use in determining minimum lot size.

The actual value of A used shall be based on the information submitted by the applicant, by the County Hydrologist or by others submitting information. If water conservation measures are used, as provided in Section 10.2.4b, and an actual value of A is determined, in most cases minimum lot sizes will be reduced below those listed in Section 10.2.1. However, applicants are advised that because of varying geologic conditions in Santa Fe County there is no assurance that a hydrology report will determine that the water supply in an area is more abundant than indicated by the standard value of A. In cases where the actual study shows a value of A which is less than the standard value (that is, there is less water available than assumed by the standard value), minimum lot size requirements may be increased beyond those indicated in this Section.

10.2.2 Calculation of Use

U shall have a standard value of 1.0 acre feet per year per dwelling unit for residential use. For all other uses U shall be equal to the actual anticipated consumptive use for the development. The standard value for residential use may be adjusted if an applicant proposes to utilize water conservation measures. There shall be no adjustments for conservation in Urban, Traditional Community and Agricultural Valley Areas.

The Code Administrator shall maintain an application form upon which are listed potential water conservation measures. This form shall indicate the effect of each conservation measure on the value of U. As a minimum, the measures shall include: restrictions on use of water for irrigation purposes (including watering of lawns, gardens and shrubbery); restrictions on use of water for swimming pools; restrictions on the number of bathrooms per dwelling unit; restrictions on garbage disposal units; devices which reduce the utilization of water by appliances, kitchen fixtures, and bathroom fixtures; and pressure-reduction devices on in-coming water lines.

Any applicant who uses the application form as a basis for proposing conservation measures shall be allowed to reduce U in accordance with the effectiveness of the measures proposed. The maximum reduction in U which shall be considered achievable using this approach shall be a reduction of U to no less than 0.25 acre feet per year per dwelling unit. An applicant who proposes water conservation measures sufficient to reduce U to less than 0.25 acre feet per year per dwelling unit shall be required to prepare a water conservation report: See Section 6.6 of Article VII.

The actual value of U, and the minimum lot sizes which result, will depend on the conservation measures proposed by the applicant. In general, applicants who substantially restrict the use of irrigation (lawn and garden) water will be assumed to have a U of 0.5 acre feet per year per dwelling unit, while those who further restrict other types of water use will be assumed to require even less water. For reference purposes, the following lot sizes would be allowed if U is equal to 0.5 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	5 acres
<u>BASIN FRINGE ZONE:</u>	25 acres
<u>MOUNTAIN ZONE:</u>	40 acres
<u>HOMESTEAD ZONE:</u>	80 acres

For reference purposes, the following lot sizes would be allowed if U is equal to 0.25 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	12.5 acres
<u>MOUNTAIN ZONE:</u>	20 acres
<u>HOMESTEAD ZONE:</u>	40 acres

10.2.3 Special Standards for Calculation of Use for Small Scale Commercial Development

Special standards which set forth specific limitations on use for small scale commercial developments are set forth in this subsection. Applicants who propose small scale commercial development are required to prepare a written estimate of water use. The value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water consumption requirements for commercial activities. The applicant may use these figures in lieu of the written estimate of water use. Applicants may use standardized values for A as set forth in Section 10.2.2, or they may submit a hydrology report which contains an actual estimate of A for the land which is to be developed.

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas

Special standards which set forth limitations on water availability for metropolitan areas shown in Code Map 12, 14, and 15 are set forth in this Sub-section.

a. Standard Values of Water Availability

Because the policy for water management in Metropolitan areas allows for depletion of storage over a 40 year period, standard values for A are as follows:

<u>BASIN ZONE:</u>	.25 acre feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.05 acre feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>METRO BASIN ZONE:</u>	4 acres
<u>METRO BASIN FRINGE ZONE:</u>	20 acres
<u>METRO MOUNTAIN ZONE:</u>	80 acres

b. Adjustments for Water Conservation

For the division of land into four (4) or less lots, the minimum lot size may be adjusted using the procedures set forth in Section 10.2.2. For reference purposes, the minimum lot sizes which result if U = 0.25 acre feet per year per dwelling unit or commercial use are:

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	5 acres
<u>MOUNTAIN ZONE:</u>	20 acres

10.3 Exceptions to Minimum Lot Size Requirements

The minimum lot sizes calculated under Sections 10.1 and 10.2 shall not apply to the areas described in this Section and the minimum lot size contained in this Section shall control.

10.3.1 Metropolitan Area - Community Water Systems

Where a community water system provides water service to a development within the Metropolitan Areas, as shown on Code Maps 12, 14 and 15, the minimum lot sizes shall be:

<u>BASIN ZONE:</u>	1 acre
<u>BASIN FRINGE ZONE:</u>	2.5 acres
<u>MOUNTAIN ZONE:</u>	5 acres

10.3.2 Agricultural Areas

In the Estancia Valley Agricultural Area, minimum lot sizes shall be 50 acres for the Basin Fringe Zone and 10 acres for the Basin Zone. Adjustments for water conservation and water availability will not be allowed. In the Northern Valley Agricultural Area, the minimum lot size for lands with permitted water rights shall be five (5) acres. Adjustments to lot sizes in these areas are conditioned on the finding in each case by the County Development Review Committee that it is in the best interest of the County to convert water rights from agricultural to commercial or residential use.

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:

14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:

1 acre - Where community water or community liquid waste disposal systems are utilized.

.50 acre - Where community water and community sewer systems are utilized.

10.4 Density Transfer

The minimum lot sizes specified in this Section 10 shall be taken as gross figures for the purposes of determining the total number of dwellings allowed in a particular development. The arrangement of dwellings in clusters or in such locations as to take advantage of topography, soil conditions, avoidance of flood hazards, access and reduced cost of development, shall not violate the lot size requirements of the Code so long as the total number of acres per lot conforms with the requirements of the Code.

SECTION 11 - IMPORTING OF WATER

11.1 Location Requirements

Developments which import water from the surface Rio Grande or other locations outside Santa Fe County to any location in Santa Fe County designated in the Development Code as other than urban or metropolitan locations are permitted to locate anywhere in the County provided they meet all requirements of the Code, except that in lieu of the density requirements as specified in Article III, Section 10, the proposed development shall meet the following criteria.

11.2 Criteria

The following criteria may be used to determine the density of a development which imports water:

- 11.2.1 Traffic Generation. The amount of traffic generated by the proposed activity shall not at any time impede traffic flow, cause a public road to operate at over capacity, nor contribute to excessive air pollution. The Code Administrator may refer an application to the New Mexico Environmental Improvement Division for their comments on the impact of additional development upon air quality.
- 11.2.2 Energy Consumption. Proposed development which is not near employment or shopping facilities shall serve to minimize commuting and shopping trips by such methods as reducing density, provision of employment and shopping in the proposed development, and provision of mass transit facilities.
- 11.2.3 Provision by Local Government of Public Facilities and Services. The proposed development shall not cause undue burden to the local government in the provision of public facilities and services.
- 11.2.4 Compatibility with Adjoining Residences. The proposed development shall be of a character and density that will not be intrusive to the adjoining residential areas as they now exist or may develop as permitted by the Development Code. The development:
 - a. Shall correlate with the residential life style of adjoining residences as expressed in intensity of use and size of structures;
 - b. Shall provide a sense of the open space of rural areas that corresponds to adjoining locations; and
 - c. Shall generate corresponding amounts of vehicular traffic.

2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

SECTION 3 - VARIANCES3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the

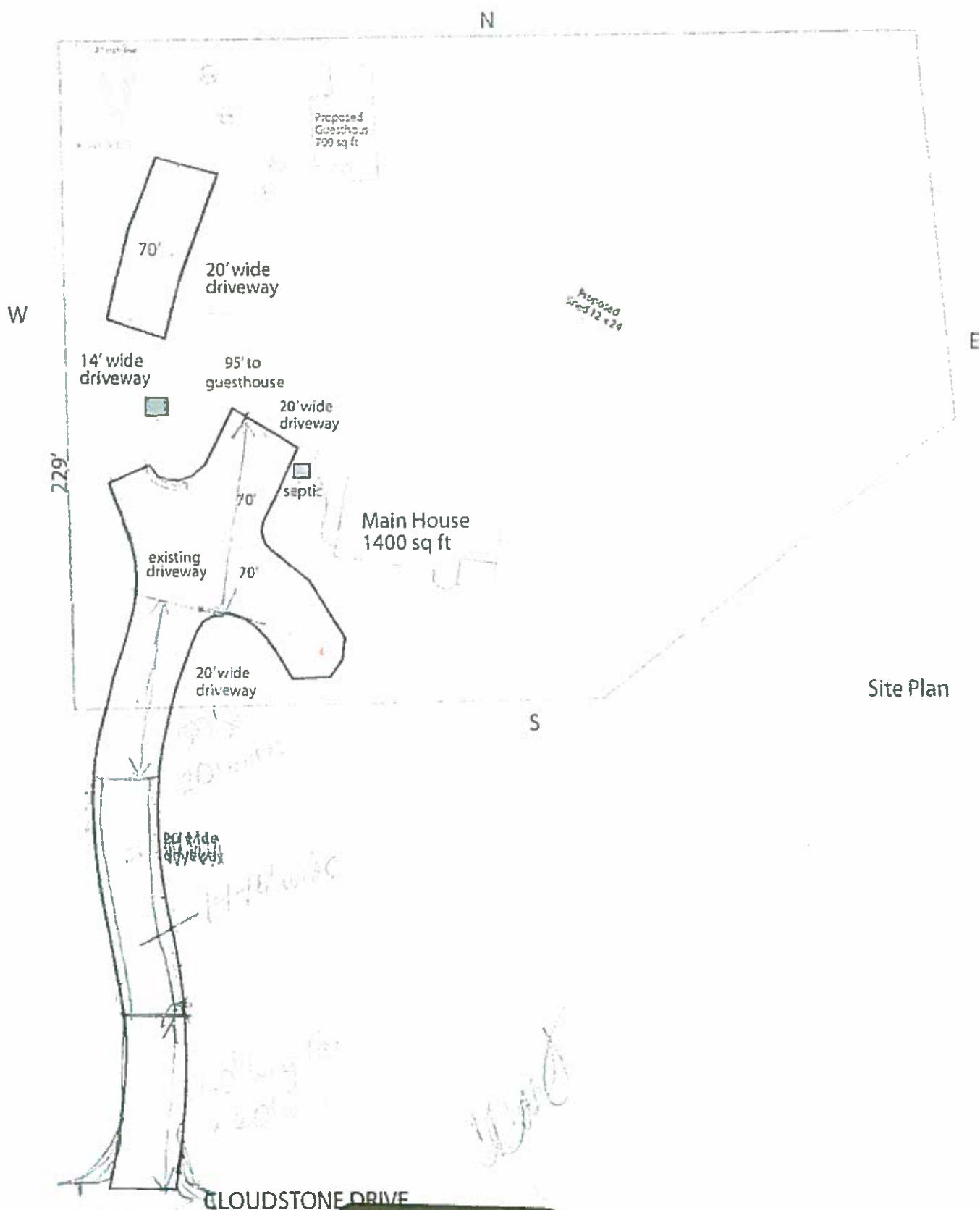
EXHIBIT

6.

II - 9

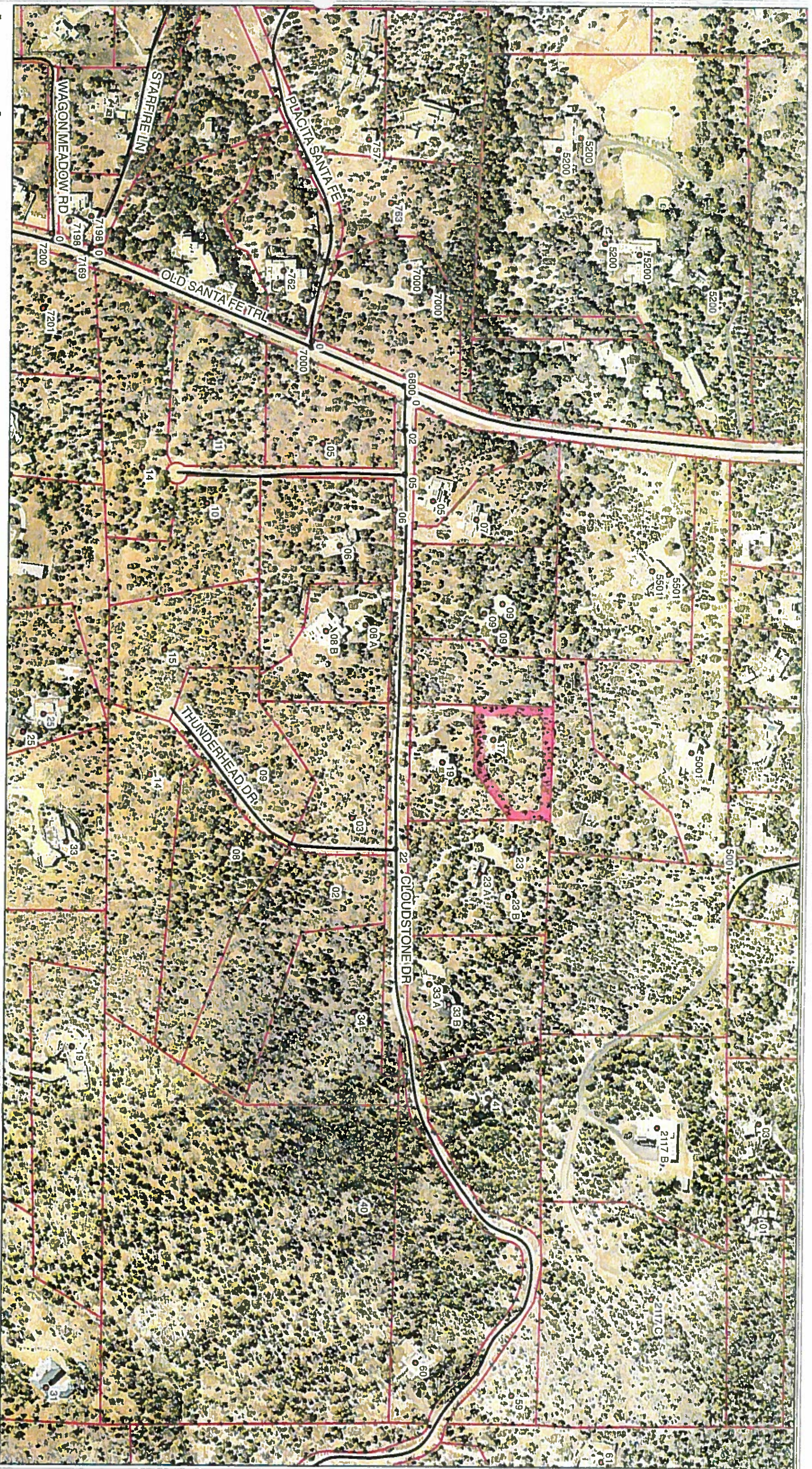




**EXHIBIT**

8.

23.



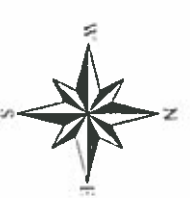
Legend

ROADS

PARCELS

EXHIBIT
9

1 inch represents 250,059,638 feet



2008 Imagery
2 FOOT CONTOURS

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
User are solely responsible for
confirming data accuracy.



May 20, 2015

Henry P. Roybal
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review

Date	June 4, 2015		
Project Name	Carter, Cynthia		
Project Location	17 Cloudstone Drive T16; R10; S6		
Description	Variance to build guesthouse, shed, install driveway	Case Manager	John Lovato
Applicant Name	Cynthia Carter	County Case #	15-5120
Applicant Address	17 Cloudstone Drive Santa Fe, NM 87505	Fire District	Hondo
Applicant Phone	505-995-9899		
Review Type	Commercial <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Sprinklers <input type="checkbox"/> Hydrant Acceptance <input type="checkbox"/> Master Plan <input type="checkbox"/> Preliminary <input type="checkbox"/> Final <input checked="" type="checkbox"/> Inspection <input checked="" type="checkbox"/> Lot Split <input type="checkbox"/> Wildland <input type="checkbox"/> Variance <input checked="" type="checkbox"/>		
Project Status	Approved <input checked="" type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denial <input type="checkbox"/>		

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated (*Note underlined items*):

Summary of Review

- Per revised site drawing the driveway shall incorporate areas for emergency vehicle purposes conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department. (*page #2*)
- Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes. (*page #3*)



Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

- **Fire Access Lanes**

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

- **Roadways/Driveways**

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Roads shall meet the minimum County standards for fire apparatus access roads within this type of proposed development. Driveway, turnouts and turnarounds shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width shall be 14' and an unobstructed vertical clearance of 13'6".

Per revised site drawing the driveway shall incorporate areas for emergency vehicle purposes conforming to the access and turnaround requirements and dimensions of the Santa Fe County Fire Department.

- **Street Signs/Rural Address**

Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

Section 901.4.5 Street or Road Signs. (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

- **Slope/Road Grade**

Section 902.2.2.6 Grade (1997 UFC) The gradient for a fire apparatus access road shall not exceed the maximum approved.

The maximum approved slope of the driveway access/egress shall not exceed 11% and shall have a minimum 28' inside radius on curves.

▪ Restricted Access/Gates/Security Systems

Section 902.4 Key Boxes. (1997 UFC) *When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.*

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

Fire Protection Systems

▪ Hydrants

Shall comply with Article 9, Section 903 - Water Supplies and Fire Hydrants of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Section 903.4.2 Required Installations. (1997 UFC) *The location, number and type of the fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.*

All fire hydrants shall be spaced so that the furthest buildable portion of a parcel shall be within one thousand feet (1,000') as measured along the access route.

An inspected and approved fire hydrant is within 600' of this project.

Automatic Fire Protection/Suppression

This office *highly recommends* the installation of automatic fire suppression systems meeting NFPA 13D requirements and suggests the homeowner contact their insurance carrier to find their minimum requirements.

General Requirements/Comments

▪ Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

- **Permits**

As required

Final Status

Recommendation for Development Plan approval

Tim Gilmore, Inspector


Code Enforcement Official

6-4-15
Date

Through: David Sperling, Chief

File: DevRev/H/CarterC:060315

Cy: Buster Patty, Fire Marshal
Land Use
Applicant
District Chief
BC&Regional Lt.
File

